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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,341	01/15/2004	Michael E. Clarke		6391

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Plano, TX 75075

EXAMINER

PAIK, SANG YEOP

ART UNIT PAPER NUMBER

3742

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,341

Applicant(s)

CLARKE, MICHAEL E.

Examiner

Sang Y. Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-17 and 19-23 is/are rejected.
- 7) ☒ Claim(s) 6 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 7-9, 12-15, 17, 19-21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldacci (US 5,017,759) in view of Gross (US 4,941,490).

Baldacci shows an apparatus having a steam generator disposed within a housing, the steam generator having a canister with a heating means to heat the water contained in the canister, a manually operated valve with an actuator button to provide steam from the canister, a steam tube for transferring the steam, the heating means further having a thermostatic switch to control the heating temperature which would produce the desired pressure of the steam, and a safety pressure valve. However, Baldacci does not show the claimed catch basket.

Gross shows a steam generator for cleaning jewelry and it shows a catch basket with a screen disposed underneath the steam tube. In view of Gross, it would have been obvious to one of ordinary skill in the art to adapt Baldacci with the catch basket as disclosed by Gross to provide the safeguard means when cleaning small items such as jewelries.

With respect to the recited pressure level, it would have been obvious to one of ordinary skill in the art to provide the claimed pressure level or any other suitable levels to provide adequate pressure to effectively clean jewelries or any other intended items without damaging such items.

Art Unit: 3742

With respect to the recited water holding capacity, it would have been obvious to provide the claimed capacity or any other suitable capacity to create the desired temperature and pressure within the canister having the limited size within the housing means.

3. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldacci in view of Gross as applied to claims 1-3, 5, 7-9, 12-15, 17, 19-21 and 23 above, and further in view of Goicoechea (US 3,757,082).

Baldacci in view of Gross shows the apparatus claimed except the steam tube made of a thermoplastic material.

Goicoechea shows a steam generator with a tube made of a thermoplastic material. In view of Goicoechea, it would have been obvious to one of ordinary skill in the art to adapt Baldacci, as modified by Gross, with the steam tube made a thermoplastic that can withstand a high heating temperature.

4. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldacci in view of Gross as applied to claims 1-3, 5, 7-9, 12-15, 17, 19-21 and 23 above, and further in view of Kain (US 6,550,862) or Shioda (US 4,792,174).

Baldacci in view of Gross shows the apparatus claimed except the catch basket having a slidable insertion means to the housing means.

Kain and Shioda show an attachment element having a slidable portion that is inserted into a housing body to attach the removable attachment element. In view of Kain or Shioda, it would have been obvious to one of ordinary skill in the art to adapt Baldacci, as modified by Gross, with the catch basket with the slidable insertion means to allow the catch basket removable from the housing means to separately clean the basket.

Art Unit: 3742

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baldacci in view of Gross as applied to claims 1-3, 5, 7-9, 12-15, 17, 19-21 and 23 above, and further in view of Romeo et al (US 4,761,850).

Baldacci in view of Gross shows the apparatus claimed except a holding means for storing elements such as the tongs.

Romeo shows that it is well known in the art to provide a holding means such as a recess area in a body to store and hold other attachable elements. In view of Romeo, it would have been obvious to one of ordinary skill in the art to adapt Baldacci, as modified by Gross, with the holding means in the housing element to provide a recess holding means to store tongs or other attachable elements to conveniently allow the user to store and use such attachable elements when cleaning jewelries.

Allowable Subject Matter

6. Claims 6 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 7/12/05 have been fully considered but they are not persuasive.

The applicant argues there is no motivation to combine Baldacci or Gross since Baldacci relates to a utility that is different from that of the claimed invention and since Gross shows a relatively large structure with a complicated control mechanism that is not commensurate with the applicant's invention. In response to applicant's argument that there is no suggestion to

Art Unit: 3742

combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both prior art shows devices producing steam and although the steam is used for different purposes, they are both capable of meeting the intended use of cleaning jewelry. Furthermore they are both analogous art having the same field of endeavor which is in the field of generating steam using electrical heating. Since they are related having the same field of endeavor producing a steam, it would have been obvious to one of ordinary skill in the art to modify Baldacci in view of Gross which uses the steam to clear jewelry to adapt a catch basket to enable the steamer of Baldacci to use it as a cleaning device as well. Furthermore, Gross teaches that the pressure regulator 60 having 1-100 psi is provided thereto. This shows that the pressure level can be set at a desired level including the claimed range to adequately and suitably clear the jewelries. Thus, the applicant's arguments are not deemed persuasive.

With respect to Goicoechea, the applicant argues that since the claimed tube enables its use to limiting the capacity of the water tank, it possesses an entirely non-analogous utility, and furthermore, the applicant's tube serves to abate skin burns. These arguments are not deemed persuasive because, first, these uses have not been claimed and since Goicoechea shows the tube that is made of the same material as that of the claimed invention would provide the thermal

Art Unit: 3742

resistance as well as to abate the skin burn. There is nothing in the claims to distinguish the claimed tube that of the Goicoechea.

With respect to Kain and Shioda, the applicant argues that the claimed slidable device that is selectively removable is not shown by the prior art. Furthermore, the applicant argues that Kain and Shioda explicitly show the slidable devices are not selectively removable from their respective receptacles. While Kain and Shioda show the inhibitive movement of the slidable devices as they are being moved within the receptacle but they not completely inhibit its movement out of the receptacle. Since they are capable of being slide out or moved out from its respective receptacles, the applicant's arguments are not deemed persuasive.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3742

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sang Y Paik
Primary Examiner
Art Unit 3742

syp